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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,464	01/18/2002	Donation Roger	00366.000148	3690
5514 7590 01/11/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER CHARLES, DEBRA F	
			ART UNIT	PAPER NUMBER
			3691	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/11/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/053,464

Applicant(s)

ROGER, DONATIEN

Examiner

Debra F. Charles

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims are too broad.

Claims must narrowly define invention in very specific terms. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of

Ex parte Steigewald, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 1 recites the broad recitation creating and/or managing enterprises online using at least one application running on a server in a data network environment, and the claim also recites wherein the graphical interface includes pull-down menus adapted to display a path the client has followed on a site tree which is the narrower statement of the range/limitation. Also use of "and/or" is further indefinite. Examiner recommends applicant avoid using this phrasing.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yee et al. (US 6738975 B1) and Zawadzki et al. (US 7107268 B1).

Re claim 1, 7, 8, 9, 13, 14, 18, 22, 23: Yee et al. disclose a method for creating and/or managing enterprises online using at least one application running on a server in a data network environment(Abstract, col. 6, line 55-col. 10, line 60), comprising:

accessing the server by a client over the data network(col. 14, lines 45-65);

starting the at least one application using a graphical interface(Fig. 8, col. 15, lines 55-67);

processing data transmitted by the client and/or data stored on at least one distributed resource using the at least one application(col. 13, lines 45-67, col. 17, lines 20-50).

Yee et al. fail to teach generating data relevant for creating and/or managing an enterprise. However, Zawadzki et al. does teach A projected management server coupled with a computer network, such as the Internet. A spec server may also be incorporated into the project management environment for completing specs, generating requests for price quotations, purchase orders and the like. A project tree represents project management objects, which can be of any type. Object types are defined for each particular implementation of the system. Typical examples of project management object types include organizational entities, work-groups, people, projects, budgets, tasks, costs, timesheets, specs, requisitions, purchase orders, and to-do lists. The objects are generally organized in a hierarchical data structure referred to as a project management tree or project tree. Each object in a project tree comprises a number of methods that describe the way the object behaves. Such methods include, for example, methods that describe the way the object is added to the tree, edited, deleted from the tree, and archived(Abstract, Fig.6, col.2, lines 40-col. 4, lines 47) . Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention

was made to modify the teachings of Yee et al. to include the step of Zawadzki et al. The motivation to combine these references is to create and manage an entity.

Re claims 2,10, 15: Yee et al. disclose wherein the graphical interface includes pull-down menus adapted to display a path the client has followed on a site tree(Fig. 8, col. 15, lines 55-67)

Re claims 3,11, 16: Yee et al. disclose automatically adding a current month and year after a user at the client has entered data including a day and activated a predetermined button on a keyboard(col. 4, lines 50-65).

Re claims 4,12, 17: Yee et al. disclose automatically adding a current year after a user at the client has entered data including a day and month and activated a predetermined button on a keyboard(col.16, lines 5-50).

Re claims 5 and 19: Yee et al. disclose questioning a user at the client with a plurality of questions; receiving from the user a plurality of answers to at least some of the questions; and

automatically generating a business plan in accordance with the answers(col. 16, lines 35-67).

Re claims 6, 20 and 21. Yee et al. disclose providing financial planning and asset management applications to the client(col. 18, lines 35-65).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (571) 272 6791. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Debra F. Charles
Examiner
Art Unit 3691

A handwritten signature in black ink, appearing to read 'H. Kazimi', is written over the printed name of the Primary Examiner.

HANI M. KAZIMI
PRIMARY EXAMINER